

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

Intersections Inc. and Net Enforcers, Inc.,

Plaintiffs,

v.

Joseph C. Loomis and Jenni M. Loomis,

Defendants.

Civil Action No. 1:09CV597 (LMB/TCB)

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF THEIR  
MOTION TO SEAL TRANSCRIPT OF PROCEEDINGS HELD ON AUGUST 6, 2010**

Plaintiffs Intersections Inc. and Net Enforcers, Inc. (collectively, "Plaintiffs") respectfully request that the Court enter an Order sealing the transcript of the proceedings held before the Honorable Theresa Carroll Buchanan on August 6, 2010. In support of this Motion, Plaintiffs state as follows:

1. On June 17, 2010, the Court ordered the parties in this action to file briefs regarding the enforceability of the settlement agreement entered into between and amongst the parties on January 14, 2010, and to schedule an evidentiary hearing before the Honorable Theresa Carroll Buchanan.

2. On August 6, 2010, Judge Buchanan held proceedings regarding the enforceability of the settlement agreement.

3. Pursuant to the terms of the settlement agreement, the terms of the settlement agreement are to be kept confidential except as required by law, potential acquirers, advisors, and accountants.

4. The transcript of the proceedings held before Judge Buchanan on August 6, 2010 (the “Transcript”) contains detailed information concerning the terms of the settlement agreement. This information is, by agreement of the parties, to be kept confidential.

5. Public disclosure of the confidential information contained in the Transcript would violate the express terms of the settlement agreement.

6. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000), sets forth the legal standard that this Court must apply when determining whether it is appropriate to order the sealing of documents. It states that before entering an Order to seal, a district court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to the seal the documents and for rejecting the alternatives.”

7. Plaintiffs’ motion to seal has been docketed for hearing on Friday, August 27, 2010, thus providing public notice and a reasonable opportunity for interested parties to object.

8. Redacting the information from the Transcript is not a viable option, given that the entire focus of the proceedings was the enforceability and terms of the settlement agreement. There thus are no less drastic alternatives to sealing the Transcript.

9. The third *Ashcraft* consideration also is easily satisfied. On August 6, 2010, the Court held proceedings regarding the enforceability of the settlement agreement entered into between and amongst the parties on January 14, 2010. The parties agreed that the terms of the settlement agreement would be kept confidential. The Transcript contains confidential information regarding the terms of the settlement agreement.

10. Counsel for Defendant Jenni M. Loomis has indicated that Jenni Loomis joins in this motion. Counsel for Defendant Joseph C. Loomis has indicated that Joseph Loomis joins in this motion without waiving his position on sealing as set forth in his prior motion to seal filed herein.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order sealing the transcript of the proceedings held before the Honorable Theresa Carroll Buchanan on August 6, 2010.

Dated: August 16, 2010

Respectfully submitted,

By: /s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of August, 2010, I will electronically file the foregoing Plaintiffs' Memorandum in Support of their Motion to Seal Transcript of Proceedings Held on August 6, 2010 with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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